IN RE: PETITION FOR SPECIAL HEARING NW/S Royal Oak Avenue, 68' SW * DEPUTY ZONING COMMISSIONER of the c/l of Gwynndale Avenue (5820 Royal Oak Avenue) * OF BALTIMORE COUNTY 1st Flection District

2nd Councilmanic District * Case No. 89-432-SPH Gary Miller, et ux **Petitioners** * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a stacial hearing to approve the monconforming use of the subject property as a two-family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was William B. Buddo. There were no Protestants.

Testimony indicated that the subject property, known as 5820 Royal Oak Avenue, consists of 8,600 sq.ft. zoned D.R. 5.5 and is improved with a two and one-half story building containing two dwelling units, which was purchased by Petitioners in 1983. At that time, Petitioners testified the property was occupied by two separate families and used as a two-family dwelling unit. Pictures introduced by Petitioners evidenced the two separate entrances in the front of the dwelling. Mr. Miller testified that at the time of purchase, after submitting affidavits introduced as Petitioner's Exhibit 2, conditional approval of the alleged nonconforming use was accepted by the Zoning Office and Petitioners' lenders. Subsequently, as a result of a complaint Mr. Miller lodged against a neighbor concerning the condition of their property and the number of apartments in the home, he testified the Petitioners were cited with an alleged violation. Petitioners then filed the instant Petition for Special Hearing to establish the nonconforming use of the subject property. Mr. Miller testified the individuals who signed the affidavits in 1983 have since passed away; however, contact was made with William Buddo, a former resident of the

Mr. Buddo testified that he lived on Royal Oak Avenue from 1923 to 1941. He testified his family continued to live there until the year after his brother's death in 1973. Mr. Buddo testified he remembers when the subject dwelling was constructed in approximately the 1920s. He further testified that at that time, the dwelling was constructed as a two-family unit. Mr. Buddo testified the property was continuously occupied as a two-family dwelling unit without interruption other than a change in tenants.

In support of the use of the property as a two-family dwelling unit from 1973 until their purchase in 1983, Petitioners submitted a letter from a Mr. Terry and records from the Maryland State Department of Assessments and Taxation evidencing the use of the property as a two-family dwelling unit, which have been incorporated into the file and marked Petitioner's Exhibits 4 and 5. Mr. Terry, who was unable to attend the hearing due to a conflict in scheduling, supports the continued use of the subject property as a two-family dwelling unit. Petitioners testified that since their purchase of the property in 1983, the property has been used continuously and without interruption, other than a change in tenants, as a two-family dwelling unit.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch.

715). At the next biennial cossion of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gns Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

> "A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

- 3-

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue: provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

Property is to be posted and advertised as prescribed by Zoning Regulations.

Nonconforming Use of a Two-Family Dwelling

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon fil-ing of this Petition, and further agree to and are to be bound by the zoning regulations and restric-tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm,

under the peralties of perjury, that I/we are the legal owner(s) of the property

which is the subject of this Petition.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

340

monconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such honconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

> "A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

> "Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978). In this instance, the testimony indicates there has been no change in the use of the property.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner a nonconforming use of the subject property as a two-family dwelling unit exists.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this May of June, 1989 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a two-family dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.

> MN cotanowis ANN M. NASTAROWICZ Deputy Zening Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

June 26, 1989

Mr. & Mrs. Gary Miller 5820 Royal Oak Avenue Baltimore, Maryland 21207

Case No. 89-432-SPH

RE: PETITION FOR SPECIAL HEARING NW/S Royal Oak Avenue, 68' SW of the c/l of Gwynndale Avenue (5820 Royal Oak Avenue) 1st Election District - 2nd Councilmanic District Gary Miller, et ux - Petitioners

Dear Mr. Miller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Dennis F. Rasmusse

AMN:bjs

cc: Derek Propalis, Zoning Violation File - C-89-1060 People's Counsel

MAPNU 3E Legal Owner(s): Contract Purchaser: Gary Miller (Type or Print Name) (Type or Print Name) ===119/95 Signature Melissa Miller (Type or Print Name) City and State Attorney for Petitioner: 5820 Royal Oak Ave. 944-3778 Baltimore, MD. 21207 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Same as above ORDERED By The Zoning Commissioner of Baltimore County, this _____ day 19. 2, that the subject matter of this petition be advertised, as March. required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

BECINNING for the same at a stake on the westernmost side of Royal Dak Avenue at the distance of forty-three feet one and seven-eighths of an inch southerly from the corner formed by the intersection of the West side of Royal Dak Avenue (fifty feet wide) with the southwest side of Coyndale Avenue fifty feet wide and thence running southerly binding on the West side of Royal Dak Avenue one hundred and twenty one feet two and five-eighths of an inch to a pipe at the corner formed by the intersection of the West side of Royal Dak Avenue with the northeast side of a ten foot aliey there situate, thence tunning northwesterly and binding on the northeast side of said aliey with the use thereof in common with others one hundred and forty-nine feet two inches to a pipe and thence running easterly for a new line of division one hundred and forty-eight feet ten and three-eighths of an inch to the place of beginning. The improvements thereon being known as Ro. 3820 Royal Dak Avenue. Bring the same lot of ground which by Deed dated even date herewith and intended to be recorded among the Land Records of Baltimore County and among the Land Records of Baltimore City immediately prior hereto was granted and conveyed by Katle R. Warner, Widow; to the within Crantor.

SCO-Fal

- 5-

DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

MILLIAM E HAMMOND

July 6, 1983

Mr. Darrin Kafka 4 Saffron Court Reisterstown, Maryland 21136

Dear Mr. Kafka:

Based upon the Notarized James E. O'Neill and Joseph S accepts the above-referenced (D.R.5.5), as having a noncondwelling. Said acceptance is

- reasonable basis to permit a continuance of the use pending a challenge by any interested citizen of this conditional acceptance.
- 3. In the event of a challenge, this approval is automatically rescinded and, to be reestab-lished, a public hearing would be required.
- 4. In the event of a challenge, the burden of proof is entirely upon the owner of the property in question.

Very truly yours, JAMES E. DYER Zoning Supervisor Petitioner's

Ethibit 2

cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

I have personal knowledge that the home located at 5820 ROYAL CAR AVENUE has been used as a Two (two/three,etc.) apartment dwelling since JANUARY, 1955. I also have personal (month) (year) knowledge that all apartments within the dwelling have been utilized as such continuously and uninterrupedly since JHN, (year)

This personal knowledge is based upon: I have lived across the ally from 5820 Royal Oak Quenue

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this lay of the state of Maryland, in and for the County me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared to the affiant herein, personally known or satisfactorily identified to the as such affiant, and made oath in due form of law that the matters me as such affiant, and made oath in due form of law that the best of and facts hereinabove set forth are true and correct to the best of knowledge and helief. knowledge and belief.

AS WITNESS my hand and Notarial Seal

AFFIDAVIT

The undersigned hereby effirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

I have personal knowledge that the home located at 5820 ROYAL CAR AUE BALM MD has been used as a Two (two/three,etc.) apartment dwelling since June (month), 1942. I also have personal

knowledge that all apartments within the dwelling have been utilized as such continuously and uninterrupedly since JUHE, 1942. (year)

This personal knowledge is based upon: I HAVE OWNED MY PROPERTY AND LIMED OPPESTE THIS HOUSE SINCE JUNE 1942 MY PENERTY IS LOCATED AT 5-817 ROYAL DAK AUT BAGE MY ZIZOT

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this Zorday of James, 1983, before me, a "otary Public of the State of Maryland, in and for, the County aforestid, personally appeared James C. O. Maryland to the arfiant herein, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and helief knowledge and belief.

AS WITNESS my hand and Notarial Seal

Fluor Aparti of Bedreen Kitchin 3athreen Living Ruom

St'9"717

;	•	-			<u> </u>		<u>.</u>	Τ	9		\$/-7	<u></u>	1	-	T						Π		_	•	· -	Γ		<u> </u>	<u> </u>	<u>.</u>	<u>.</u>
	3	6.8. Fee		21228 31228	70,	10-29	\$ CC 71 DN		le Avenue			CLION	FINAL ASSESSMENT	2		56. F.		SERVICE		WATER F.F.		TOWSON	1971.72	டப			TOTAL	Cox	1941	9	1.0%
		11,500			70505 .		PLOCA NO.	INTERSECTING STREET	Chrymodale			FOR REDUCTION	FINAL ASS		-	×	1			iers: for	07/7	1232133.	. ú	REDUC		*	TOTAL			Siel	
		* F	RILEY	Royal Oak	231.52			31	6 ' S. of		AE VIEW VED	APPLICATION	ABBESBACHT	2		A 11-11-00		4/S//	-	1 5 E	zť uot:	4.6.	シスプングラン	ELAL JA	REM YES	M AND SUMMARY	CORNER			3.1	Tred done (1)
· -			zel A. Fi	POST OFFICE	11-10-69	1	Only I'm and all	12	16 - 43,16				FINAL ASSESS				1325	Jan Jan		ADDITCHES	Reduct			APPLIC	T	COMPUTATION	DEPTH FACTOR	2.15			-
177	1,000	6	Hazel Hazel			\checkmark	OF DEVELOPMENT Military Daly II	DISTANCE	Oak Avenue	54-726Juna	0571	7550					0616	83	Jž!	0 3	17L	XEC		C- 104754		LAND VALUE	UNIT	09			
1	걱	None None		21207	2684-548		NAME OF DEVELOR		Royal	.974-75	1001	905.1					1000		87 6					2000			DEPTH	1001			
	10.0cm	No		ley Ave.	11.663%				SIDE OF	1972-73 97	1,50	00			-		35-0		AOK				2 9 72	(')	ntared		FRONTAGE	20			
	BB	_	D. NOLAN	5107 Wes	3.51.	Warner		rear	A NO	•	20 /	00 82					50 9				F		TI JUN		ered e nt		TOTAL	1100		400	1 (S. C.
_	-	2610	erere.	ST. OFFICE.	1.69-QI-7		(4)		100.	1971-1972	115	83					935	6.	69.		101		JUL 6		Enter		TOTAL			846To Car	
1	_	9	es return		.0		nee In C	T. FRONTS		1.5.51	1150	gro					9350	63,00 m After	9, 7 030	,				21800		AND SUMMARY	CORNER INFLUENCE			1621 84	Assay
) -	18234-4-	X 01 40016		Avenue 21	11. 132				41.0	010 40161046117	1175	7650	550				9375				,					COMPUTATION A	PACTOR IN	100%			
			B /:	20 Roval Oak	TRAMB. NO.		18 14. #86_87_88	1.		-					_									2	8	ӭ	30144	22.00	3, 20	_	
·:			VARNER	20 Box			Part			MENT		نه				•					9			NGE 5-2	NGE 8.3	7	=	3	7	\dashv	 -

SPAM DWELL SENDET. SPAM DWELL SENDET. NOW HOUSE 2 STORY RAME SIONO SREEK ASSETTOR WALLS TONE STORE	COPPER ALUMINUM ALUMINUM MEATING CIRC. NOT AIR MOTERNITY STEAM GRAVITY NOT AIR GRAVITY NOT AIR GRAVITY NOT AIR GAS STOKER OIL ELECTRIC GAS STOKER OIL ELECTRIC TONS ROOM UNIT NO. PLUMBING MUMBER BATHROOMS ROOM OPER BATHROOMS ROOM UNIT NO. EXTRA PIXTURES	PIMISHE PIMISHE PLATER	MENISHER TAIRS APANDAR E HPINISHED DUNT B 1 2 3 3 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	STREET IMPROVEMENTS PAVED STREET CURB & CUTTERS SOOTH SEVER STORM SEVER UTRITIES A SERVICES WATER GAS ELECTRIC STORMS SEVER	26 X X X X X X X X X X X X X X X X X X X	X 8 2 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
S ANNOLE SOUNDATION FOUNDATION FOUNDATI		PINISHE PARE PLOOP	HPINISHED OUNT RESIDENT	LAND INFORMATION STREET IMPROVEMENTS AND STREET AND WALES MOT WALE STORM SEVER UTH TIES & SERVICES AATER OAL STORM SEVER		X X X X X X X X X X X X X X X X X X X
S AMMOLE S AMMOLE S AMMOLE S AMMOLE FOUNDATION LOCK COMC. PIERS OUT STRUCTURE		PINISHE PARE PLOOP	HPINISHED NOUNT NAME NOUNT NAME NAME NOUNT NAME NOUNT NAME NOUNT NOU	LAND INFORMATION STREET IMPROVEMENTS PAVED STREET CURB & CUTTERS SANTARY SEVER STORM SEVER UTLITIES & SERVICES WATER GAS ELECTRIC AND SEVER SEVER		X 8 - X X X X X X X X X X X X X X X X X
SAMOLE SAMOLE SAMOLE SAMOLE SETE BLOCK MOLE CONC. LOCK CONC. TOCK A RANCTURE CONC. A RANCTURE CONC. A RANCTURE		HATER PARE PLOOP	DUNT T. Red. APTI. T. Red. APTI.	LAMD INFORMATION STREET IMPROVEMENTS PAVED STREET CURB & OUTTERS STORM SEVER STORM SEVER UTHITIES & SERVICES WATER GAS ELECTRIC ASSERVICES SEVER		X Z = X
S. MINOLE S. MINOLE S. MINOLE ETE BLOCK MALE FOUNDATION V FOUNDATION V FOUNDATION V A F F A F A F T T T T T T T T T T T T T		HATER HATER STREE FLOO FLOO FLOO FLOO FLOO FLOO FLOO FL	DUNT I. MAK. APTI.	STREET IMPROVEMENTS PAVED STREET CURB & CUTTERS SANTARY SEVER STORM SEVER OAS ELECTRIC AS SERVICES CAS CAS CAS CAS CAS CAS CAS CAS CAS CA		2 / X
S AMOLE ETE BLOCK MOLE FOUNDATION COK. COK. PIERS A K R M P T T T		PANE PERE	Part Aptr.	STREET IMPROVEMENTS PAVED STREET CURB & GUTTERS SANTARY SEVER STORM SEVER UTALITIES & SERVICES MAYER OAS ELECTRIC THE SANTARY SEVER		5.5
ETE BLOCK MALE FOUNDATION COK, LOCK COK, LOCK COK, LOCK COK, COK, COK, COK, COK, COK, COK, C		PANE PERE	A APTI.	STREET IMPROVEMENTS PAVED STREET CHIBS & GUTTERS SANITARY SEVER STORM SEVER UTHATIES & SERVICES MAYER GAS GAS GUERC' CHIBS'S'S'S'S'S'S'S'S'S'S'S'S'S'S'S'S'S'S'		7
ETE BLOCK MOLE FOUNDATION LOCK LOCK LOCK LOCK LOCK LOCK LOCK LOCK		HITER HATER PANEL L BOANE		PAVED STREET SIDE WALKS SANITARY SEVER SYORM SEVER UTLITIES & SERVICES WAYER ELECTRIC: THE SANITARY SEVER	5	
FOUNDATION FOUNDATION COMC. CO		[[[] 남자된다이 [] [[[] [[] [[]		CURB & OUTTERS SOF VALKS SANITARY SEVER UTHITIES & SERVICES WATER GAS SEVER SEVER	5	
FOUNDATION FOUNDATION CONC. CO		[] 마타시키이 1 마셨다[[[[SYORW SEVER SYORM SEVER UTHITIES & SERVICES WATER GAS SEVER	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 2 1 1 2 1 1 2 1 1 2 1 1 2 1 1 2 1 1 2 1 1 2 1 1 2 1
MOLE POUNDATION LOCK LOCK LOCK LOCK LOCK LOCK LOCK LOCK		[[[[[] [] [] [] [] [] [] []		SANITARY SEWER STORM SEWER UTRITIES & SERVICES WATER GAS ELECTRIC AND AND SEWER	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
POUNDATION SLOCK D CONC. R PIERS ROOF STRUCTURE		PLASTER : DRYWALL TOOD PAMELING FIREPLACE FLOORS CONCRETE THE		STORM SEVER UTRITIES & SERVICES UAS ELECTRIC TO SEVER SEVER	5 1 2 1	┞
FOUNDATION BLOCK C CONC. R PIERS ROOF STRUCTURE		PIREPLACE PIREPLACE FLOORS FLOORS FLOORS FILE FILE FILE FILE FILE FILE FILE FILE		UTRITIES & SERVICES 0AS ELECTRIC TO SEVER		7/10
POUNDATION BLOCK C CONC. R PIERS ROOF STRUCTURE		PIREPLACE FIREPLACE FIREPLACE FILE FILE FILE FILE FILE FILE FILE FIL		UTRITIES & SERVICES OAS ELECTRIC AND AND SERVICES ELECTRIC AND AND SERVICES	77 7	
BLOCK B COMC. B PIERS B C C C C C C C C C C C C C C C C C C C		FIREPLACE FIREPLACE FLOORS FLOORS FLOORS TIL TIL THE		RATER OAS ELECTRIC AND AND SEVER SONING	7 10	13071
R PIERS. R V E ROOF STRUCTURE	~1 	FIREPLACE FLOORS CONCNETE TIL		ELECTRIC STUDIES SEVER	7 19	
A VE ROOF STRUCTURE		FLOORS FLOORS FLOORS THE THE	2 7	ELECTRIC SEVER	10	17.5.5
ROOF STRUCTURE				N N		-317
<u> </u>				KON		
1		CONCRETE FILE HARPWOOD	•	NOX	, _/	762
	- 	TILE	•	I		Ş
۱	 	MAROWIND		17. PERSON INTERVIEWED		
WANSARD /				OWNER	TOTAL	
PLAT -	-	Z.	 	TENANT NO.) STONE.	GAR. SIZI.	122
1	CATRA PIXTURES		11	Γ		
DOPAGE C CO. L.		TILING	1	TELEPHONE	(トノノト
		BAVER OF B A WALL		V LEAT CARD	トンシン	ノージュー・エー・エー・エー・エー・エー・エー・エー・エー・エー・エー・エー・エー・エー
61	74.000 A.A.		 	Ï,	0131	(25) FIF
	17.C2	B THROUN FLOOR	1	1)	020.70
\	-	<u>. </u>			\\\ \ \\ \ \\ \ \ \\ \ \ \ \ \ \ \ \ \	
11 4 4 0	A 4 4 6 0	:			ソ て で で で が 、	•
	 -	IMP ROVEMENTS	CRADE AGE		``	
	200 000 0000	ㅗ	Т		•	5/305/
STORY SALES	THISHED ANTA DA FT.		7/1///		-	7000
	No CLUBAGO	CARAGE			-,-	11/1
			7	1	-	
PLAT OF LAND	0	3126	AND SKETCH	OF MOUSE		
			1	, , ,	Y • •	
		•	X)
	,	•	_ '	2007 CA		
∕	•	•	•			
		ļ.	· -	17:17:V		
· .	•	·				
		<u>-</u>	6	- 199 : S		,
	•		: - -		ASSE	ASSESSMENT
			(- A. W.	LAM. TO MAKE THE COMM.
	•	•	(0.2)	•	OH-OH-OH-OH-OH-OH-OH-OH-OH-OH-OH-OH-OH-O	1
			\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\			767
	•	•) -			
	•					
· · ·	•	•	•	•		
	•		<u>ه</u>			
· 1.11 / 3.4	•	70000	•			
•	70		7.			
•	<u> </u>				10141	7774 1847
		•	•		ADDITIONAL NOTES NO ADDITIONAL	ADDITIONAL NOTES NO ACTUAL TIMENT - UNITIONAL
			,		NO STREET OF THE PROPERTY OF T	as Der review 5-51
	******	CAN ANY INCD.	4	7		
SOVERACE STORY	ORCELLENT		c	, Cal. 1		
	DATE	PER SEVICE	4-7-7	TOKET & COLDING		

Beil - 11×13 - LR 11×12 - DR 10×12

2607 Purnell Drive Baltimore, MD 21207 June 7, 1989

To Whom it May Concern:

Having resided at 2607 Purnell Drive since October, 1975, I can say that the address known

as 5820 Royal Oak Avenue has always been maintrined and operated as a two-ramily dwelling to the best of my knowledge. The structural design of the building appears to support only its usage as two apartments and would not lend itself to a one-family existence without major radical reconstruction. The two above-mentioned addresses are adjacent to each other across an alley in Baltimore County, Maryland.

Michael C. Terry 301) 298-8080

Karin Dois 2645 Aurnall Drive 944-8646 June 6, 1989. PETITIONER(S) SIGN-IN SHEET Office of Flanning & Zoning PLEASE PRINT CLEARLY Towson, Maryland 21204 (301) 887-3333 5820 Poyal dat Ave To the best of my knowledge, the house Known as 5820 Royal Oak Avenue April 28, 1989 3330 COVENTRY C7. DR ELLICITE CITY MS 21043 has been a two family dwelling between MILLIAM B BJOOD the time my family moved in until the time NOTICE OF REASSIGNMENT I got married, 1971 until 1975. At that time 89-432-SPH I resided at 2645 Purnell Drive, which is NWS Royal Oak Avenue, 68' EW c/l Gwyndale Avenue 5820 Royal Oak Avenue lst Election District - 2nd Councilmanic Petitioner(s): Gary Miller, et ux located 1 block north of 5820 Royal Cak Drive in 1980 until present and Known it to be a two family dwelling the entire time. THE ABOVE MATTER, ORIGINALLY SCHEDULED TO BE HEARD ON THURSDAY, MAY 4, 1989, HAS BEEN REASSIGNED THE HEARING WILL NOW TAKE PLACE AS FOLLOWS: TUESDAY, JUNE 6, 1989 at 2:30 p.m. BALTIMORE COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE, ROOM 106 TOWSON, MARYLAND 21204 89-432-5PH CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Date of Posting april 18 1989. cc: Gary Miller, et ux Ray McClellan Location of property: NE/S Royal Oak arenue, 45' Str C/L Jugadale...

Arexaul, 5820 Royal Oak arenue. Location of Signs: In front of 5920 Royal Oak around

Posted and time may 15-89 for over present date of 6-6-89

Remarks: PostED 2nd TIME - MAY 15 1989 S.J. Pirata Date of return: april 14 1989 Number of Signs: _____/ CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was Gary Similler published in THE JEFFERSONIAN, a weekly newspaper printed 5820 ROYO OAK ALE Balto, nd. 21207 Baltimore County Zoning Commissioner
Office of Planning & Zoning and published in Towson, Baltimore County, Md., appearing on Towson, Maryland 21204 Date: 4-10-89 494-3353 J. Robert Haines
Zoning Commissioner Dear our Haines Special Hearing: Noncon-forming use of a two-family dwell-THE JEFFERSONIAN. I am writing in regards to case. Mr. & Mrs. Gary Miller in the event that this Petition is 5820 Royal Dak Avenue or me event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. Baltimore, Maryland 21207 # 89-432 SPH Scheduled Thursday may Dennis F. Rasmussen
County Executive 1989. at 9.AM Because my primary Petition for Special Hearing CASE NUMBER: 89-432-5PH Witness cannot attend before 12. Noon I NWS Royal Dak Avenue, 68' SW c/l Gwyndale Avenue 5820 Royal Dak Avenue PO 10928 Am hopeing my case can be resteduted 1st Election District - 2nd Councilmanic Petitioner(s): Gary Miller, et ux neg M 27129 For afternoon. I can be reached at HEARING SCHEDULED: THURSDAY, MAY 4, 1989 at 9:00 cs 89-432-SPH nort 243-8448 or home 944-3778 price \$ 37.43 Please be advised that 14.03 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Dear Mr. & Mrs. Miller: Thank you very much for your Cooperatio Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself. Tany B. Miller The Jar CD is compounded monthly. The 6 Month CD is not co. Softball Tourney Team entries are sought for Perry Hall Rec. Council's 4th Annual Perry Hall Invitational Softball Tournament on the weekend of May 12-14. This double elimination fast pitch softhali tournament for girls in the 14 & Under Please make your check payable to Baltimore County, Maryland and bring and 16 & Under age groups will be played at Perry Hall Senior High Rec. With a Carteret 1 Year or 6 Month COUNTY MADE TO DESCRIPTION OF THE PROPERTY OF tying up your money over the lon-Center and Perry Hall Elementary Rec. Center. Entry fee is \$110 per team. flexibility you need to make the n-Umpires and softballs provided by tournament. A.S.A. rules observed. In-For more information, call 1-80 dividual and team trophies awarded BALTIMORE COUNTY, MARYLAND post set(s), there for 1st and 2nd place in each age OFFICE OF FINANCE - REVENUE DIVISION group. Deadline for team entries is Apr. 17. Info./Perry Hall Rec. Office, each set not MISCELLANEOUS CASH RECEIPT -01-615-000 A century of ser LEGAL NOTICE NOTICE OF HEARING The Zoning Commissioner of Baltimere County, by authority of the Zoning Act and Requisions of Satemare County will hold a public hearing in the property durathed terrors in Reem 108 of the County Cities Suiding, leased at 111 W Cheenpale Avenue in Torress, Maryland to Islams: Putition for Special Husting
CASE SUMMER: 85-439-6741
HMS Royal Out Avenue,
60°914 off Goryandes Avenue,
5009 Royal Out Avenue
1st Bootse Durent - 3rd Countinants
Putitionness Gary Miles, et us.
HEATING SCHEDULED: Thursday, May 4, 1989
61 9:00 c.m. When yo Over 90 offices in Maryla B B 131 *** *** * 7403: a 323 F 11704 Reisterstown Rd., Owings 5668 Gov. Ritchie Hwy., Seven je Do dvard Dad Das Pratical is granted. A Landau count may be stated within the State (SI lember FSLIC o 1989 Carterel Savings Bank FA

Cost of Advertisement_

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 827-3353
J. Robert Haines

April 14, 1989

NOTICE OF POSTPONEMENT



Re: 89-432-SPH
NWS Royal Dak Avenue, 68° SW c/l Cwyndale Avenue
5820 Royal Dak Avenue
1st Election District - 2nd Councilmanic
Petitioner(s): Gary Miller, et ux

HEARING SCHEDULED: 5/4/89

Please be advised that hearing of the above captioned matter, originally scheduled to take place on Thursday, May 4, 1989 at 9:00 a.m., has been postponed.

Notice of the new hearing date will be forthcoming.

J. ROBERT HAINES
Zoning Commissioner
Baltimore County, Maryland

RH:gs

cc: Mr. & Mrs. Gary Miller Mr. Ray McClellan

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines
Zoning Commissioner

March 20, 1989

NOTICE OF HEARING



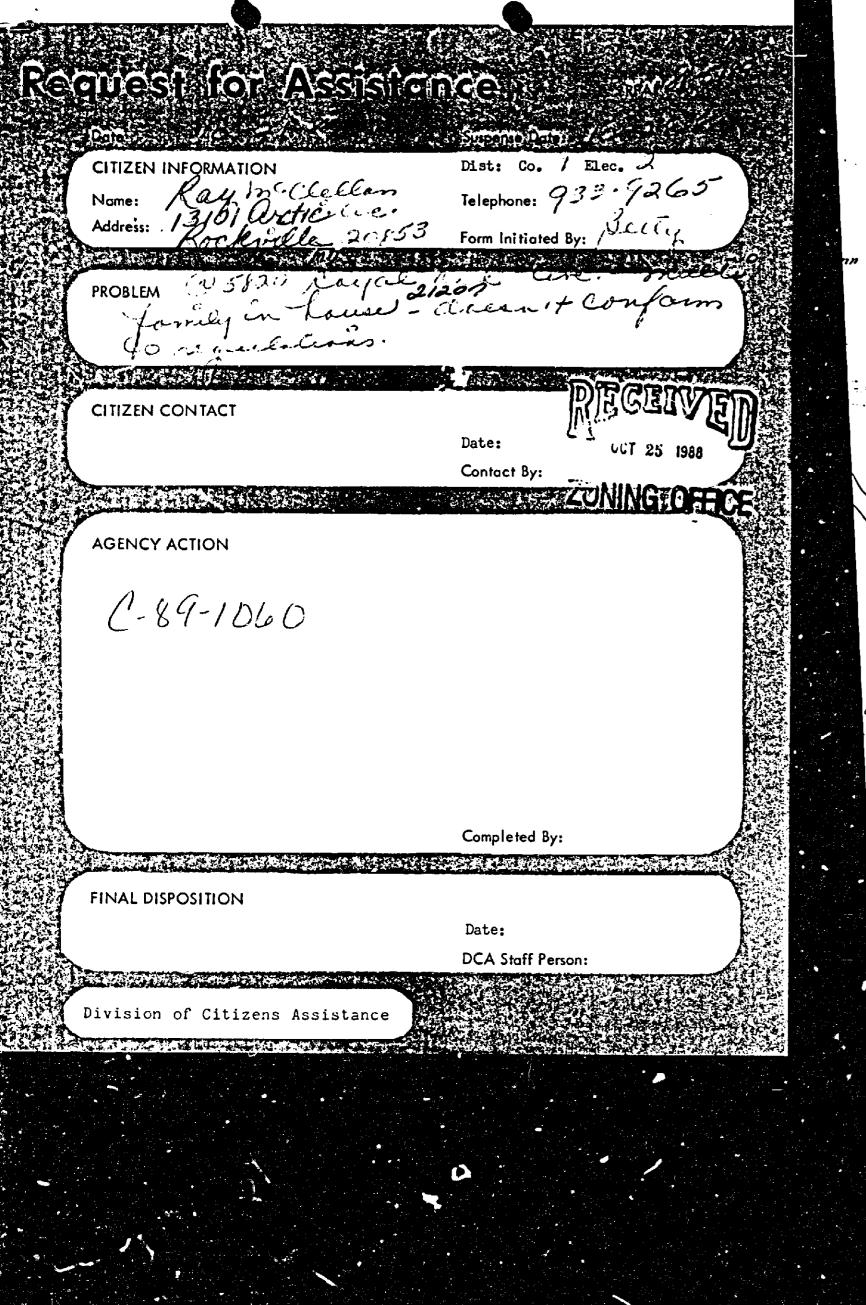
Dennis F. Rasmussen
County Executive
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act
and Regulations of Baltimore County will hold a public hearing on the property
identified herein in Room 106 of the County Office Building, located at 111
W. Chesapeake Avenue in Towson, Maryland as follows:

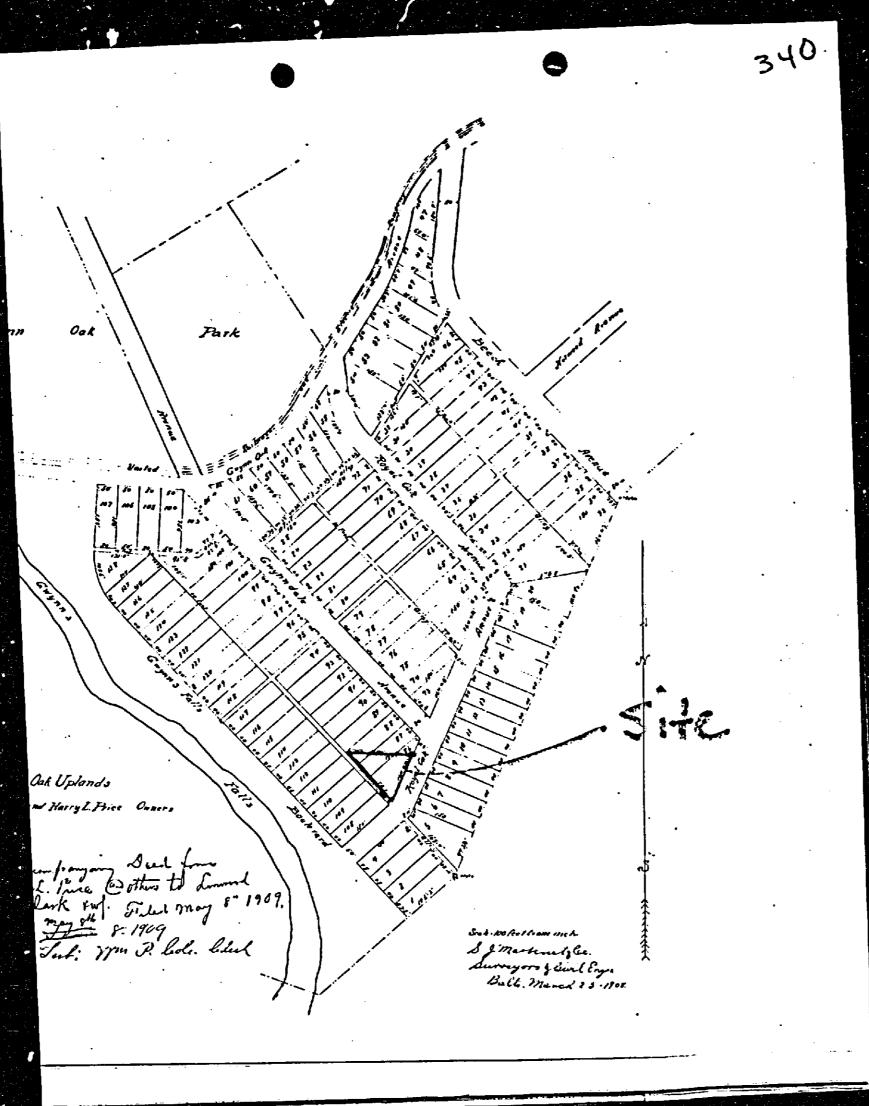
Petition for Special Hearing
CASE NUMBER: 89-432-SPH
NWS Royal Oak Avenue, 68' SW c/l Gwyndale Avenue
5820 Royal Oak Avenue
1st Election District - 2nd Councilmanic
Petitioner(s): Gary Miller, et ux
HEARING SCHEDULED: THURSDAY, MAY 4, 1989 at 9:00 a.m.

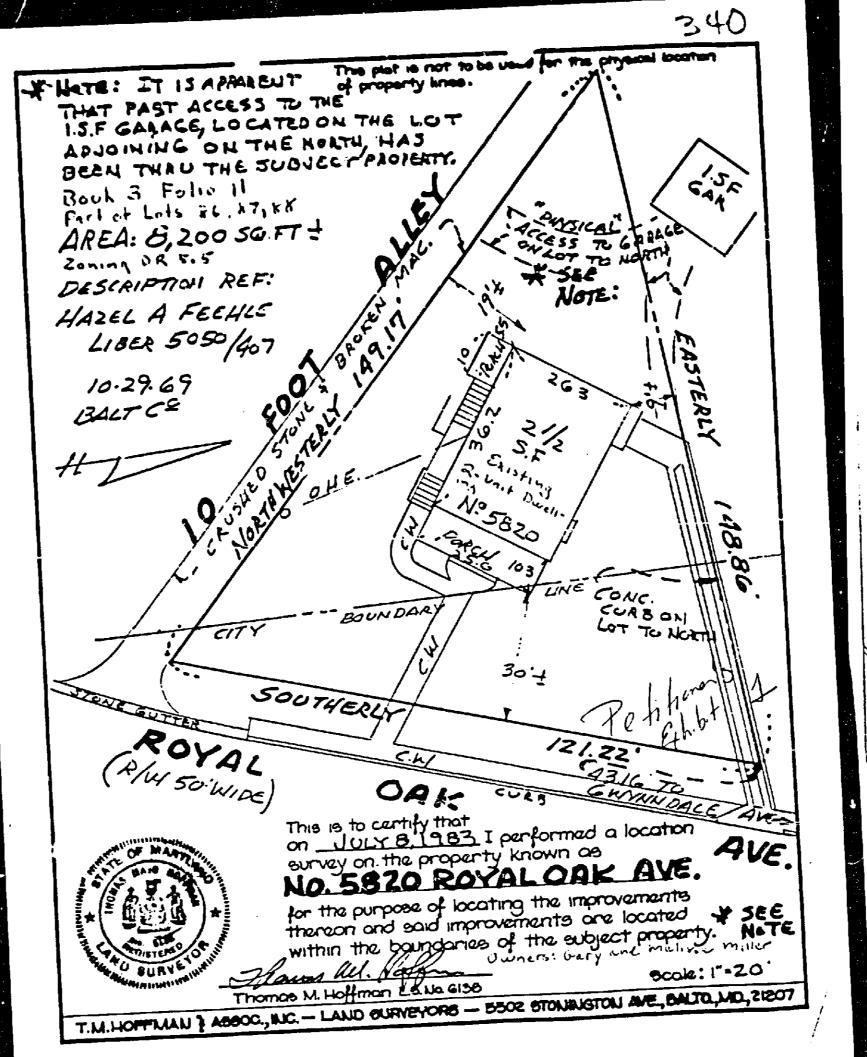
Special Hearing: Nonconforming use of a two-family dwelling.

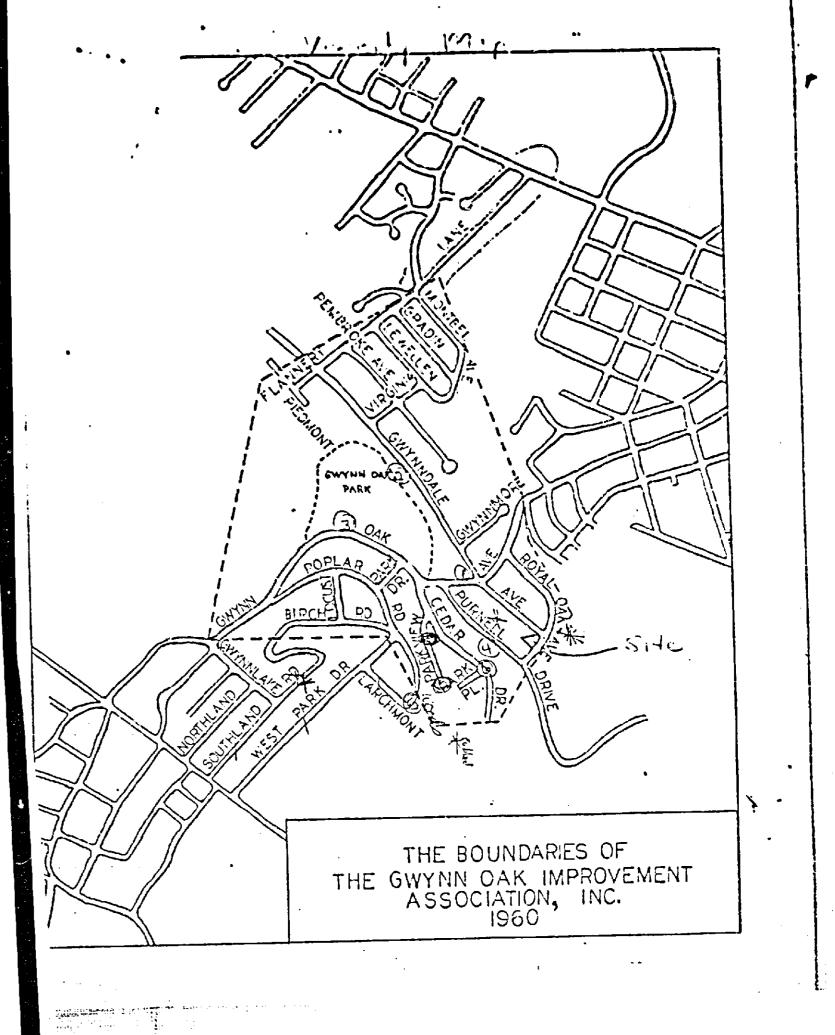
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Gary Miller
Ray McClellan









89-432-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

lst day of March 19 89

Chairman, Zoning Plans . Gary Miller, et ux Received by: Advisory Committee Petitioner's

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1989

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Burrau of Engineering Department of Traffic Engineering State Roads Commission

MEMBERS

Buresu of Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

Mr. Gary Miller 5820 Royal Oak Avenue Baltimore, MD 21707

RE: Item No. 340, Case No. 89-432-SPH Petitioner: Gary Miller, et ux Petition for Special Hearing

Dear Mr. Miller:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members your petition. It similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

Gentlemen:

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Gary Miller, et ux

Location: NW/S of Royal Oak Avenue

Item No.: 340

Zoning Agenda: February 28, 1989

Dennis F. Rasmussen

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protec-tion Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

DAIE: April 21, 1989 TO: J. Robert Haines Zoning Commissioner

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMENTS

Case No. 89-432-SPH Item No. 340

Re: Gary Miller, et ux

The Petitioners request a special hearing to approve the nonconforming use of a two-family dwelling. In reference to this request, this office offers no comment.

a:5489.txt pg.1